

03/17/01
U.S. PTO
1962

03-20-01

A

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Attorney Docket No. ONX-10951P	Total Pages
First Named Inventor BEHRANG BEHIN	
Title THREE DIMENSIONAL OPTICAL SWITCHES AND BEAM STEERING MODULES	

APPLICATION ELEMENTS		ACCOMPANYING APPLICATION PARTS
1. [] Fee Transmittal Form		9. [] Assignment cover sheet and document(s)
2. [X] Applicant Claims Small Entity Status		10. [] Power of Attorney by Assignee [] with CFR 3.73(b) statement
3. [X] Specification	Total Pages: [53]	11. [] English Translation Document
4. [X] Drawing(s)	Total Sheets: [26]	12. [] IDS/PTO-1449 [] with copies of cited references
5. [] Oath or Declaration	Total Pages: [] a. [] Newly executed (original or copy) b. [] Copy from a prior application 1.63(d) (complete Box 17 and note Box 5 below) i. [] Signed statement deleting inventors named in the prior application, see CFR 1.63(d)(2) and 1.33(b)	13. [] Preliminary Amendment
6. [] Incorporation by Reference (if 5b is checked)	The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference.	14. [X] Return Receipt Postcard (MPEP 503)
7. [] Microfiche Computer Program (Appendix)		15. [] Small Entity Statement [] Statement filed in prior application Status still proper and desired
8. [] Nucleotide/Amino Acid Sequence Submission (all the following are necessary)	a. [] Computer Readable Copy b. [] Paper Copy (identical to computer copy) c. [] Statement verifying identity of above copies	16. [] Certified Copy of Priority Document(s) (if foreign priority is claimed)
19. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: [] continuation [] divisional [X] CIP		17. [X] Request and Certification under 35 USC 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
		18. [] Other:
...of prior application No.: [09/536,164]		

20. CORRESPONDENCE ADDRESS					
NAME	CUSTOMER NO.: 27652				
[X] BAR CODE LABEL					ATTACH BAR CODE LABEL HERE 27652 PATENT TRADEMARK OFFICE
JOSHUA D. ISENBERG JDI PATENT					
ADDRESS	204 CASTRO LANE				
CITY	FREMONT	STAT E	CA	ZIP CODE	94539
COUNTRY	USA	TELEPHONE	(510) 896-8328		FAX (510) 360-9656

Certificate of Mailing by "Express Mail"					
I hereby certify that I am mailing this correspondence on the date indicated below to the ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, DC 20231 using the "Express Mail Post Office to Addressee" service of the United States Postal Service under 37 CFR 1.10.					
SIGNATURE <i>Bing Li</i>		DATE OF MAILING:		3/17/2001	
		EXPRESS MAIL LABEL NO:		ET 102224065 US	
NAME OF PERSON SIGNING <i>Bing Li</i>					

09/812066
03/17/01

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	<p>Attorney Docket No.: ONX-108/C.P</p> <hr/> <p>First Named Inventor BEHRANG BEHIN</p> <hr/> <p>Title THREE DIMENSIONAL OPTICAL SWITCHES AND BEAM STEERING MODULES</p>
--	---

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date	<u>3/17/2001</u>
Signature	<u></u>
Typed or Printed Name	<u>Joshua D. Isenberg</u>

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**